**IN THE HIGH COURT OF UTTARANCHAL IN NAINITAL**

**Writ Petition No. 45 (M/B) of 2002**

Parvatiya Bhoomihin Silpakar Vikash Sammittee
Haripura Harsan Bazpur, District- U.S. Nagar,
Through its president Shri Keshar Ram Arya,
S/o Late Dikar Ram Arya R/o New Abadi Haripura,
Harsan, District- Udham Singh Nagar.

... **Petitioner**

**Vs**

1. State of Uttaranchal Chief Secretary Uttaranchal. Sashan, Dehradun.
2. Principle Chief Conservator of Forest Uttaranchal, Dehradun.
3. Commissioner Kumoun Mandal Nainital.
4. District Magistrate U.S. Nagar.
5. Chief Conservator of Forest Kumoun District Nainital.
6. Divisional Forest Officer Tarai Kendriya Van Prabhag, Haldwani, District- Nainital.

... **Respondents**

**Dated: July 19, 2006**

**Sri M.C. Kandpal Senior Advocate, learned counsel for the petitioner**
**Sri K.P. Upadhyaya, ld. Standing counsel for the State.**

**Hon'ble P.C. Verma, J.**
**Hon'ble B.S. Verma, J.**

Heard Sri M.C. Kandpal learned Senior Advocate for the petitioner and Sri K.P. Upadhaya learned standing counsel for the State.

By means of this writ petition, the petitioner has prayed for writ of mandamus commanding and directing the respondents authorities i.e (1) Chief Conservator of Forest Uttaranchal (2) Commissioner Kumoun Mandal Nainital, (3) District Magistrate U.S. Nagar (4) Chief Conservator of Forest Kumoun District Nainital (5) Divisional Forest Officer Tarai Kendriya Van Prabhag,Haldwani, District- Nainital to demarcate and allot the land to the petitioner's Society on the basis of survey report.

This prayer has been made on the ground that the members of the petitioner's society belong to District- Almora, Pithoragarh and Pauri Garhwal and they are required to be rehabilitated in Tarai of the Maldhan Chura District- Nainital. The members of the petitioner's Society belong to S.C. and S.T. Community. It has been further stated that some land was allotted in the year 1956-57 to the S.C. community but actual possession was not handed over to them. It is further stated that 1385 acres of land is required to be allotted in favour of the petitioner's Society.

So far as the claim of the right of allotment of land is concerned, no provision has been quoted of any enactment to make it obligatory on the part of the respondents to allot the land to the petitioner's Society. In other words, no law has been shown to us by which it can be stated that the respondents are duty bound to allot the land and they have not allotted the same despite the requests made. For this reason, we are not inclined to entertain the writ petition. However, we expect that the steps shall be taken in compliance of the letter of the Government dated 27-10-2004 (contained in Annexure No.2 to the Rejoinder Affidavit) as early as possible.

With the aforesaid observation, the writ petition is disposed of finally.

**(B.S.Verma,J.)** **(P.C.Verma,J.)**

19-7-2006
Rajeev Dang